

Protection Rohingyas through International Adjudication-Decoding Provisional Measures of International Court of Justice in The Gambia vs Myanmar.

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ABSTRACT

United Nations Secretary-General Antonio Guterres acknowledged Rohingya, "one of, if not the, most discriminated people in the world". In Myanmar, a country with a Buddhist majority, around a million Rohingya who are the minority having their language and culture, have been persecuted for decades. In the year 2014 census, Myanmar excluded Rohingya by denying basic citizenship. Thousands of Rohingya have fled to neighboring States after facing persecution orchestrated by Myanmar security forces with the help of local Buddhist mobs. In this background, the Gambia with the help of the Organization of Islamic Cooperation filed the case in the International Court of Justice, alleging that the actions perpetrated by Myanmar violated the provisions of the 1948 Genocide Convention to which both States are the parties. Myanmar rightly questioned the standing of Gambia as the interest of Gambia was not threatened or at stake. So, in the absence of a cause of action or rights of Gambia not affected even remotely, the International Court of Justice should not entertain the case. One of the major issues before the Court whether Gambia has stood without being affected directly from the violations alleged to have been committed on the Rohingya. The present author will discuss the provisional measures rendered by the ICJ on 23rd January 2020 and the challenges such as jurisdiction, admissibility, urgency or irreparable prejudice condition, faced by the Court with a special focus on the "Plausibility requirement" in provisional measures.

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1. INTRODUCTION

The International Court of Justice (ICJ / Court) on 23rd January 2020, had delivered its order on the request for provisional measures in the case The Gambia vs. Myanmar.¹ The decision was rendered in response to the proceedings initiated on 11th November 2019 by the Gambia concerning alleged violations of the Genocide

¹ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia vs. Myanmar), the Request for the Indication of Provisional Measures, 23rd January, International Court of Justice. {Hereinafter Rohingya Genocide (Provisional Measures Order), ICJ}

Convention 1948² (Convention) by Myanmar. The application was also contained a request for the indication of provisional measures which was submitted under Article 41 of the Statute³, and Articles 73, 74, and 75 of the Rules of the Court⁴ seeking to preserving the rights of the claimant under the Convention till Court decides the disputes amicably. The applicant is required to satisfy the court on the following aspects for the indication of interim relief pendent lite; 1st, the Court has *prima facie* jurisdiction in respect of claims; 2nd, the imminent risk of being harmed irreparably; 3rd, the rights must be plausible; 4th, chance that prejudice could take place prior to final determination of the dispute. In this case analysis, I critically examine whether granting provisional measures Order the court satisfied all the above-mentioned requirements and will point out, how and to what extent the dimension of the provisional measures is changing in the present context of international law.

2. METHOD

The research method used is Normativ Research which is researching and analyzing legal rules. The data used are primary, secondary and tertiary legal materials, in addition to supporting this research the authors conducted field research to see the interactions that exist within the community both those obtained through the community directly and from other official documents. The technique of collecting data uses literature studies, field studies, documentation and observation. The overall data obtained will be analyzed qualitatively.

3. RESULTS AND DISCUSSION

3.1. Invoking the ICJ jurisdiction

The Gambia besought jurisdiction of the Court pursuant to Article 36 (1) of the Statute and Article IX of the Convention. Article IX of the Convention provides that disputes relating to interpretation, application or fulfillment of the Convention between Contracting parties shall be submitted to the ICJ by any disputant parties.⁵ Thus the jurisdiction of the Court is preconditioned with that there must be an existing dispute at the time of triggering the ICJ jurisdiction.⁶ It is to be noted that both Gambia and Myanmar are the parties to the Genocide Convention. While Gambia acceded to the Convention without making any reservations on 20th December 1978, Myanmar deposited its instrument of ratification with reservations to Articles VI and VIII on 14th March 1956.

According to Gambia there is a dispute exists with Myanmar as to the interpretation and application of the Convention. It contends, during “clearance operation”, Myanmar military and security forces committed mass murder, rape, and other forms of sexual violence on the Rohingya group and systematically burned Rohingya villages in the Rakhine State. Although Myanmar had prior knowledge about the disputes as the Rohingya crisis in Rakhine state was pondered upon in the international fora, it rejected and opposed the violations of the Genocide Convention. Gambia communicated a Note Verbale on 11th October 2019 reminding Myanmar its

² Convention on the Prevention and Punishment of the Crime of Genocide of 9th December 1948.

³ Statute of International Court of Justice 1945.

⁴ Rules of the Court adopted on 14th April 1978 and entered into force on 1st July 1978.

⁵ Rohingya Genocide (Provisional Measures Order), ICJ, p. 6, pars. 17 and 18.

⁶ *Ibid* p.7

obligations under the Genocide Convention but Myanmar kept silent on the issue. Myanmar even rejected the IIFFMM's⁷ report on Rohingya catastrophe.⁸

In response, Myanmar argued that the Gambia instituted the proceeding as a proxy of the Organization of Islamic Cooperation in circumvention of Article 34 of the ICJ Statute. According to Myanmar the OIC documents relied on by Gambia to make a case of alleged genocide did not violate the Convention as such there is no dispute arises between the parties. Regarding the Note Verbale, it contended that Myanmar was not obliged to respond as the same did not specifically alleged violations of the Convention. Thus, the Court cannot deduce the existence of dispute from its silence, Myanmar opined.⁹ So, the Court manifestly lacked jurisdiction in the absence of a dispute and should not entertain the case.

The ICJ noted the case is filed by Gambia in its own name and sought to protect rights under the Convention and obtained help of any State or organization, may not take away existence of disputes between them. It is held that existence of a dispute is a matter for objective determination and a matter of substance. To ascertain the existence of the dispute at the time of filing the application, the Court had taken into account and weighed the statements, documents exchanged between the disputants and at multilateral level. Myanmar characterized the report of Fact-Finding Mission as flawed and biased in the General Assembly just a couple of days later when the Gambia expressed willingness to lead the Rohingya crisis to the ICJ. This clearly points out the divergence of views between the disputants concerning the events which allegedly took place in the Rakhine State. in this respect the Court said, "*a disagreement on a point of law or fact, a conflict of legal views or interests, or the positive opposition of the claim of one party by the other need not necessarily be stated expressis verbis. . . the position or the attitude of a party can be established by inference, whatever the professed view of that party*".

The Court inferred the existence of dispute due to Myanmar's denial to respond over alleged severe breach of the obligations under the Convention and customary international law. The Court held in Marshall Islands vs. India (Jurisdiction and Admissibility) 2016,¹⁰ "the existence of a dispute may be inferred from the failure of a State to respond to a claim in circumstances where a response is called for".

In response to Myanmar's argument that in the absence of genocidal intent, it cannot be said that Myanmar has breached obligations owed under the Convention, the Court held that to indicate a provisional measure it is enough if alleged acts complained are capable of falling within the provisions of genocide convention. A few acts complained are capable of falling under the Convention, the Court noted.¹¹ After discussing the above-stated points, the ICJ concluded the *prima facie*, there is existence of dispute relating to the interpretation and application of the Convention.¹²

ICJ rejected Myanmar's contention that the case cannot be brought to the court under article IX, but only through article VIII the disputant State may bring the dispute to the Court. Since there is a reservation on article VIII by Myanmar, Gambia

⁷ In March 2017, Independent International Fact-Finding Mission was established by the Human Rights Council of the UN to inquire and make reports on facts and circumstances of the alleged human rights violations by military and security forces of Myanmar.

⁸ Rohingya Genocide (Provisional Measures Order), ICJ, p. 7.

⁹ Ibid p.8

¹⁰ Rohingya Genocide (Provisional Measures Order), ICJ, p. 10.

¹¹ Ibid

¹² Ibid

cannot validly use the provision. The Court held that both articles have distinct application and the present case was brought under article IX of the Convention to which Myanmar did not make any reservation.¹³ The Court concludes that it has *prima facie* jurisdiction over the dispute pursuant to article IX of the Convention.

3.2. Obligatio Erga Omnes Partes and Gambian's Standing.

Myanmar argued since it is the right of inured State to decide how to invoke responsibility, Gambia being not specifically affected by the alleged acts, it lacked capacity to bring the dispute to the ICJ. It further contends that Bangladesh could invoke jurisdiction of the ICJ as being affected directly by the alleged violations but prevented as it has made reservations on article IX of the Convention.¹⁴

Gambia relied on the case *Belgium vs. Senegal*¹⁵ where the Court recognized the capacity of Belgium to trigger ICJ jurisdiction for alleged violations of *obligatio erga omnes partes* of Convention against Torture by Senegal without going into to decide whether Belgium specifically affected by the alleged breaches. It further argued that obligations under the Genocide Convention are *erga omnes partes* in nature and any State party to the Convention is entitled to protect interest and invoke responsibility of another State party.¹⁶

Recalling its earlier advisory opinion,¹⁷ the Court held that States parties to the Convention have a common interest to ensure acts of genocide are prevented and the wrongdoers should not go unpunished. It further noted, the obligations under the Convention are *erga omnes partes*. Thus, not only the specifically affected States but also any State party to the Convention may bring the case by invoking responsibility of another State party for alleged breaches of the obligations *erga omnes partes* in nature.¹⁸ Keeping this in mind of shared values to protect the same interest, the ICJ held that *prima facie*, Gambia has standing to submit the dispute to the Court.¹⁹

3.3. The Irreparable Prejudice and Urgency Condition.

The Court shall only indicate provisional measures when there is an urgency; that means there is an imminent risk of irreparable prejudice will be caused to the applicant. Thus, it is important to meet this condition before the Court and the Court shall weigh whether such risks prevail at this stage of proceedings.²⁰

According to Gambia the Rohingya group is subjected to acts of genocide and anytime they will again be subjected to the genocidal acts since Myanmar has not stopped harboring such acts. Thus, the rights of Rohingya and its own rights under the Convention are in serious risk of being prejudiced irreparably.²¹

Myanmar submitted there is no such urgency on two counts. 1st, they are engaging in repatriation initiative with Bangladesh for the returning of displaced Rohingyas taking refuge in the territory of Bangladesh; 2nd, if there is a grave danger, it would not receive international support in the reconciliation process. It assured the Court that the perpetrators of the genocide would not go unpunished and at last the

¹³ Ibid p.11

¹⁴ Rohingya Genocide (Provisional Measures Order), ICJ, p. 12.

¹⁵ Questions relating to the Obligation to Prosecute or Extradite (Belgium v Senegal), Provisional Measures Order, 28th May, 2009, ICJ.

¹⁶ Rohingya Genocide (Provisional Measures Order), ICJ, p. 12, par. 40.

¹⁷ Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, International Court of Justice, 28th May, 1951.

¹⁸ Rohingya Genocide (Provisional Measures Order), ICJ, p. 13.

¹⁹ Ibid

²⁰ Ibid p.17

²¹ Rohingya Genocide (Provisional Measures Order), ICJ, p. 20.

indication of provisional measures might ignite the internal armed conflict in Rakhine State and demoralize the current efforts being taken.²²

The rights in question before the Court such as right to be protected from killings and other acts which threatened the very existence of the Rohingya group, are capable of being irreparably harmed. The Court observed the Fact-Finding Mission's report which revealed as a protected group Rohingyas are subjected to mass killings, widespread rape, and other sexual violence, denial of food and shelter.²³ The Court noted Rohingya in Myanmar are extremely vulnerable and substantiated its views by UNGA Resolution 74/246 of 27 December 2019.²⁴ Although the Court took a note that Myanmar is engaging in repatriation and reconciliation process with displaced Rohingyas for bringing them back and holding perpetrators guilty for their alleged misdeeds, it appeared insufficient for the Court. Still the Court found that there is a chance of being irreparably prejudiced of the rights invoked by Gambia for protection of Rohingya. The ICJ expressed its dissatisfaction with Myanmar's measures taken in respect to protecting the rights of Rohingya as a protected group.²⁵ As such, the Court reached the conclusion that there is a real and imminent risk of irreparable prejudice to the rights invoked by Gambia.²⁶

3.4. Plausibility of rights or Plausibility of Claims - The Changing Dimension of The ICJ Jurisprudence.

Since the LaGrand Case²⁷ where the Court affirmed that its provisional measures are binding in nature,²⁸ the jurisprudence of the Court relating to interim measures has been developed and enriched significantly. One of the aspects the Court has been engaged utmost vigorously in recent past is that of plausibility requirement.²⁹ A test comparable to plausibility was introduced for the first time when ICJ declared that provisional measures will be indicated only when the Court satisfied that rights claimed are at least plausible.³⁰ Although the Court categorically held that at this stage it need not to establish the existence of rights definitively and also refrained from determining the capacity of Belgium to invoke those rights.³¹ As early as 1991, in the Separate Opinion, Judge Shahabuddeen opined, a *prima facie* case has to be established and exhibit the existence of possibility of rights.³² This requirement was originated in the Separate opinion of Judge Abraham appended to the Pulp Mills case.³³ According to Judge Abraham, the Court carry some minimum review on merits to determine the existence of rights and possibility of being violated irreparably.³⁴ The Court reiterated

²² Ibid

²³ Ibid p.21

²⁴ Ibid

²⁵ Ibid p.22

²⁶ Ibid

²⁷ LaGrand (Germany vs. US), Judgment, ICJ, Reports 2001. P. 466.

²⁸ Ibid p. 502, par. 102.

²⁹ Cameron Miles, Provisional Measures and the 'New' Plausibility in the Jurisprudence of the International Court of Justice, *British Yearbook of International Law*, bry011.

³⁰ Supra 15, p. 16.

³¹ Ibid p. 17

³² Separate Opinion, Judge Shahabuddeen, Case Concerning Passage through Great Belt (Finland vs. Denmark) 1991, Provisional Measures, ICJ.

³³ Massimo Lando, Plausibility in the Provisional Measures Jurisprudence of the International Court of Justice *Leiden Journal of International Law* (2018), 31, pp. 641–668.

³⁴ Separate Opinion, Judge Abraham, par. 8. Pulp Mills on the River of Uruguay (Argentina vs. Uruguay) 2006, Provisional Measures.

its earlier position again in Timor-Leste vs. Australia,³⁵ the Court is not required to establish definitively, that the rights which are sought for protection exist. The rights are plausible if the Court shows, there is a link between the rights claimed on merits and for which it seeks protection.³⁶ The court went on a minimal review on merits and held that at least some rights for which the Timor-Leste seeking protection are plausible.³⁷

Thus, re claiming of rights is no sufficient for invoking provisional measures. The rights in reality must exist in international law and the applicant must be capable of possessing them. The threshold of proving at this stage is lower compared to the merits phase. It does not depend upon success of the applicant in the merit stage. As Judge Greenwood aptly pointed out, “*What is required is something more than assertion but less than proof; in other words, the party must show that there is at least a reasonable possibility that the right which it claims exists as a matter of law and will be adjudged to apply to that party's case*”.³⁸

A new development had been observed in Court's plausibility jurisprudence in Ukraine vs. Russia.³⁹ In this case, ICJ shifted from legal plausibility; i.e. legal evaluation of existence of rights sought to the plausibility of claims; i.e. a factual calculation of facts and circumstances which could possibly breach the rights asserted. Although the Court insisted that it would indicate provisional measures if the rights claimed are at least plausible and must not be in existence definitively, the ICJ went on to examine the evidence at length whether the conducts of respondent could violate the rights.⁴⁰ In this case, the Court held that Ukraine had failed in plausibility test, not because of its rights does not exist in international law but because it failed to provide sufficient evidence before the Court.⁴¹ Thus, it is well be witnessed that the Court, in this case, has raised the threshold for the applicant for proving a before it could ask for interim relief.

a. Gambia's Assertion based on Plausibility of Rights

Gambia contended, its claims are plausible and there is a link between the object and purpose of the Convention and the right sought for protection. According to Gambia, genocidal intent and the acts of genocide can be deduced from the sufficient evidence and material it produced before the Court. Gambia rested the case on lower threshold or the minimal review of evidence and material. Gambia stated, the Court shall not refuse jurisdiction if there is another possibility than genocidal intent as this is the matter of merit stage.⁴²

b. Myanmar's Assertion based on Plausibility of Claims

³⁵ Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia), Provisional Measures, 2014.

³⁶ Supra note. 35, p. 10.

³⁷ Ibid pars. 27.28.

³⁸ Declaration of Judge Greenwood, par. 4, Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua), Provisional Measures, 2011.

³⁹ Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Provisional Measures, Order 2017, I.C.J.

⁴⁰ Ibid p. 26, see also pp. 27 - 30, (pars. 66, 67, 68, 69, 70 ...)

⁴¹ Ibid p.31

⁴² Rohingya Genocide (Provisional Measures Order), ICJ, p. 46.

Contention of Myanmar was not based on plausibility of rights. It argued that the Court shall grant provisional measures only if the claims of Gambia based on alleged facts are plausible. Myanmar contended that there must be a link between the plausible claim and genocidal intent. This specific subjective element distinguishes genocide from other crimes under international law. A higher threshold is maintained by Myanmar, it contended that the Court should take into account the exceptional gravity of the alleged violations in assessing whether the required level of plausibility is met. Myanmar claimed, in the absence of sufficient material and evidence, the applicant failed to establish the acts plausibly committed with the specific genocidal intent.⁴³

c. Court's Reasoning on the Plausibility

Court conditioned its power to exercise granting provisional measures only if the rights for which applicant seeking protection are at least plausible.⁴⁴ ICJ held that it should not inquire into the existence of rights definitively. Gambia only has to show the rights sought on the merits are at least plausible and a link exists between the rights and the provisional measures requested.⁴⁵ After a thorough review of the Convention, the ICJ declared - Convention protects members of national, ethnical, religious, and racial from the acts of genocide; rights of group members protected, the obligations imposed on the Contracting parties, and the rights of any State party to seek compliance are correlated.⁴⁶ Then, ICJ went on to review the documents and reports of General Assembly and Fact-Finding Mission on the situations of Rohingya in the Rakhine State submitted by Gambia. In this sense, the Court tried to establish whether the facts and circumstances enumerated in the UNGA Resolutions and Reports of IFFM could possibly violate the rights protected under the Convention.⁴⁷ The Court rejected the Myanmar's argument that the more is the gravity of the allegations, i.e. Genocidal intent; higher is the threshold of proving the same. It was held, the evidence produced before the Court was sufficient for the granting of provisional measures. The ICJ found that rights for which Gambia seeking protection; the obligation of Myanmar to which Gambia seeking compliance are correlated and as such "plausible".⁴⁸

3.2. What the ICJ Ordered.

After having been satisfied with all the prerequisites of granting interim relief, the Court agreed to indicate provisional measures.⁴⁹ After analyzing the facts and circumstances, the Court declared the measures requested and the measures to be indicated are not required to be identical.⁵⁰ The ICJ indicated following measures to be followed by Myanmar - a) Myanmar, in complying the obligations under the

⁴³ Ibid p.15

⁴⁴ Ibid par. 43. ICJ referred to the case, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Provisional Measures, 2018, I.C.J.

⁴⁵ Ibid p.14

⁴⁶ Rohingya Genocide (Provisional Measures Order), ICJ, pp. 15 - 16 pars 49 - 52

⁴⁷ Ibid pp. 16-17, pars. 53 - 55.

⁴⁸ Ibid p. 18, par. 56.

⁴⁹ Ibid p.23

⁵⁰ Ibid par. 78

Convention, must take all measures within its power to prevent genocide of Rohingya group;⁵¹ b) Myanmar must ensure that military, any irregular armed forces under its control do not commit any acts of genocide, incitement or attempt to commit genocide, conspiracy to commit genocide;⁵² c) it also has to take measures not to destroy evidence and preserve the same;⁵³ d) Myanmar is required to submit a report within four months on the steps taken by it in compliance of the order.⁵⁴ The Court gives Gambia opportunity to comment upon the Myanmar's reports on measures taken.

In a press release Myanmar revealed, an Independent Commission of Inquiry found that war crimes took place and not genocide in the Rakhine State and the national courts of Myanmar are investigating the crimes. It also mistrusted the veracity of reports of international agencies which assisted the Court in the case.⁵⁵ Thus, the time will tell that how and to what extent unwilling Myanmar complies with the Order. On the other hand, Gambia welcomed the Court's ruling and called UN Security Council to take steps to ensure that the Order is complied with. The implementation becomes more puzzling, when any P-5-member State is involved or any State who receives backing from P-5 member States. China, being a friend of Myanmar could well veto, as it was previously⁵⁶, in the enforcement proceeding of the UNSC. By 23rd May 2020, Myanmar is required to submit the first report to the Court on the measures it has taken to implement the Order and every six months afterwards till the Court reaches final decision. As the international community keeping eyes on Myanmar and international agencies are scrutinizing every step Myanmar's taking, it is to be seen whether Myanmar acts in conformity with the Court ruling or defy the same, to what extent?

4. CONCLUSION

The compliance of the decisions of the Court is largely based on the willingness and the goodwill of the disputant States. However, UNSC as a guardian of the world peace, has been endowed with a central role to play in enforcing the Court ruling under Article 94 (2) of the UN Charter. Article 94 (1) incumbents an obligation upon disputant parties to comply with the decisions of the Court. In the circumstances of noncompliance with the decision of the ICJ, the aggrieved State may approach to the UNSC for the enforcement of the judgment. Conspicuously, the UN Charter is silent on the measures which could be appropriate for the enforcement of the ICJ decision. Thus, UNSC enjoys the widest possible discretion on recommending or asking measures which should be taken by the disputant party to comply with the decision. The UNSC receives provisional Order under article 41 (2) of the ICJ Statute once the Court declared ruling. It is apparent that Myanmar government was not pleased with the Court decision.

⁵¹ Ibid par. 79

⁵² Ibid par. 80

⁵³ Ibid par. 81

⁵⁴ Ibid par. 82

⁵⁵ Press Statement on the decision by the ICJ on 'provisional measures' in the case brought by The Gambia against Myanmar, 24th January, 2020. Available at: <https://www.moi.gov.mm/moi:eng/?q=announcement / 23/01/2020 / id-20583>.

⁵⁶ US Institute of Peace Senior Study Group Final Report, China's Role on Myanmar's Internal Conflict, 2018.

REFERENCES

Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, International Court of Justice, 28th May, 1951.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia vs. Myanmar), the Request for the Indication of Provisional Measures, 23rd January, International Court of Justice. {Hereinafter Rohingya Genocide (Provisional Measures Order), ICJ}

Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Provisional Measures, Order 2017, I.C.J.

Cameron Miles, Provisional Measures and the 'New' Plausibility in the Jurisprudence of the International Court of Justice, British Yearbook of International Law, bry011.

Convention on the Prevention and Punishment of the Crime of Genocide of 9th December 1948.

Declaration of Judge Greenwood, par. 4, Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua), Provisional Measures, 2011.

ICJ referred to the case, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Provisional Measures, 2018, I.C.J.

In March 2017, Independent International Fact-Finding Mission was established by the Human Rights Council of the UN to inquire and make reports on facts and circumstances of the alleged human rights violations by military and security forces of Myanmar.

Justice Leiden Journal of International Law (2018), 31, pp. 641–668.

LaGrand (Germany vs. US), Judgment, ICJ, Reports 2001. P. 466.

Massimo Lando, Plausibility in the Provisional Measures Jurisprudence of the International Court of

Press Statement on the decision by the ICJ on 'provisional measures' in the case brought by The Gambia against Myanmar, 24th January, 2020. Available at: <https://www.moi.gov.mm/moi:eng/?q= announcement / 23/01/2020 / id-20583>.

Questions relating to the Obligation to Prosecute or Extradite (Belgium v Senegal), Provisional Measures Order, 28th May, 2009, ICJ.

Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia), Provisional Measures, 2014.

Rules of the Court adopted on 14th April 1978 and entered into force on 1st July 1978.

Separate Opinion, Judge Abraham, par. 8. Pulp Mills on the River of Uruguay (Argentina vs. Uruguay) 2006, Provisional Measures.

Separate Opinion, Judge Shahabuddeen, Case Concerning Passage through Great Belt (Finland vs. Denmark) 1991, Provisional Measures, ICJ.

Statute of International Court of Justice 1945.

US Institute of Peace Senior Study Group Final Report, China's Role on Myanmar's Internal Conflict, 2018.